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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,935	03/23/2005	Holger Monch	DE 02015	6601
24737 7590 04/11/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER KONG, ANDREW D	
			ART UNIT	PAPER NUMBER
			2851	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/11/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/528,935

Applicant(s)

MONCH ET AL.

Examiner

Andrew Kong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 5-9, 10-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 14-16 is/are rejected.
- 7) ☒ Claim(s) 3 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/13/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of species I in the reply filed on Mar. 20, 2007 is acknowledged. The traversal is on the ground(s) that the requirement for a proper restriction of showing including a proper reason such as "... where a combination as claimed does not set forth the details of the subcombination as separately claimed and the subcombination has separate utility, the inventions are distinct and restriction is proper if reasons exist for insisting upon the restriction; i.e. separate classification, status, or field of search." However, an election of species was submitted in the previous office action, not a restriction based on criteria of distinctness between combination subcombination MPEP 806.05(c).

Also the applicant traverses that the subject matter of all claims is sufficiently related and that there isn't a serious burden on the examiner. This is not found persuasive because this type of argument is merely an allegation and not evidence. The applicant has not shown how they are related and how the search for one would encompass a search for the others. The search for the elected species may not encompass the search for the remaining species. Applicant admits that at least 4 embodiments are present on page 6 of his specification.

Furthermore, claims 10 and 13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic of linking claim.

Re claim 10, "... splitting up a light portion guided in the projection system into the primary colors..." is not directed to species I.

Re claim 13, "... optical fiber..." is not directed to in species I.

Applicant identifies elements in claim 10 and 13 that are not shown in figure 1.

Claims 10 and 13 may be directed to the fifth or sixth embodiment.

The requirement is still deemed proper and is therefore made **FINAL**.

Information Disclosure Statement

The information disclosure statement filed 13 Oct. 2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because a legible copy of each cited foreign patent document is missing. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are:

Re claim 1, the term "image reproduction" renders the claim indefinite. It is vague concerning the configuration or disposition/structural orientation of an element that generates an image reproduction. It is unclear as to how the image reproduction is generated.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Luerkens et al. (US 2003/0020412).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

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the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Re claim 1, Luerkens teaches a projection system for image reproduction by means of at least one lamp (fig 2; 422) as well as at least one sensor (130) for generating a sensor signal for monitoring changes in the luminous flux (brightness-sensor detects the brightness/luminous flux of the light) generated by said at least one lamp and for compensating these changes through a suitable control of the image reproduction, with a device (140) for eliminating substantially periodic interference components from the sensor signal generated by the at least one sensor.

Re claim 2, "... wherein said device comprises a comb filter for filtering the sensor signal and for at least substantially suppressing frequency components of the sensor signal generated by the interference components", see figure 2 element 140. A high-pass filter or band-pass filters maybe used. It is known that band-pass filters are created by "combing" low and high pass filters.

Re claim 4, "... an amplifier for the sensor signal whose amplification can be switched in accordance with the frequency of the interference components so as to achieve an at least substantial suppression of the interference components", see paragraph [0036].

Re claim 14, "... wherein the control of the image representation can be achieved through a control of the brightness of the represented image", see paragraph [0008].

Re claim 15, "... wherein the brightness of the represented image can be controlled through a change in the lamp current", see paragraph [0008].

Re claim 16, "... wherein the brightness of the represented image can be controlled by an electrically controllable filter, and/or by a gray level mask added to the image information, and/or by a modification of the switching periods of the display", see figure 2 element 140. It is known that electricity can control the operation of a filter (turn on and off).

Allowable Subject Matter

Claims 3 and 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Re claim 3, the prior art of record neither shows nor suggests the elements, in particular "... comb filter is controllable by means of a signal synchronous with a control signal of a color modulator which causes the interference components."

Re claim 17, the prior art of record neither shows nor suggests the elements, in particular "... wherein the periodic interference components are generated by the

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primary colors generated by a color modulator, and wherein the primary colors can be adjusted by means of the device for eliminating the interference components such that the color temperature of the represented image is adjustable.”

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Kong whose telephone number is 571-272-8062. The examiner can normally be reached on Mon - Fri (8am - 5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on 571-272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AK

A handwritten signature in black ink, appearing to read 'Melissa Jan Koval', is written over a large, stylized 'X' mark.

MELISSA JAN KOVAL
PRIMARY EXAMINER